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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Mozambique

1. The Committee considered the initial report of Mozambique (CRC/C/41/Add.11) at its 761st and 762nd meetings (see CRC/C/SR.761-762), held on 22 January 2002, and adopted[1] the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's extremely frank, self-critical, informative and very useful initial report, which followed the Committee's reporting guidelines (CRC/C/5), and the written replies to its list of issues (CRC/C/Q/MOZ/1). The Committee also notes the constructive dialogue held with the State party's large and high-ranking delegation.

B. Positive factors

3. The Committee notes the State party's achievement of significant economic improvements and the adoption by the Government of a National Plan for the Reduction of Poverty.

[1] At the 777th meeting, held on 1 February 2002.

4. The Committee notes the State party's tremendous progress in repatriating and rehabilitating the hundreds of thousands of persons displaced from their homes during the armed conflict, and in de-mining. The Committee notes, further, the very significant contribution made by the State party to implementing the international landmines treaty.

5. The Committee notes the State party's efforts to:

(a) Undertake a comprehensive review of major legal codes, with a view to ensuring their compatibility with the Convention and the inclusion of the principle of the best interests of the child in the Constitution;

(b) Establish the Ministry for Women and Coordination of Social Action;

(c) Translate the Convention into some local languages;

(d) Inform civil servants about the Convention.

6. The Committee notes the State party's:

(a) Establishment of a children's parliament;

(b) Efforts to prevent discrimination against children, as described in the State party's report;

(c) Inclusion of environmental education in school curricula.

7. The Committee notes, further, the State party's efforts towards securing respect for the rights of children with disabilities, including:

(a) The undertaking of a survey and subsequent efforts to review legislation on persons with disabilities, covering education, health, transport, labour, defence, and finance;

(b) Council of Ministers resolution 20/99 approving the "Policy on the disabled person".

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee notes:

(a) The heavy economic and social burden carried by the State party as a legacy of the civil war that ended in 1992;

(b) In spite of the progress made in de-mining, the continuing presence of landmines in many parts of the country;

(c) The difficulties created in the short term by the structural adjustment programmes and the constraints imposed by debt repayment schedules;

(d) Recent economic improvements notwithstanding, the extreme poverty of a large proportion of the State party's population; the continuing dependence of many families upon money sent home by Mozambicans working in neighbouring countries, and the recent decrease in this income;

(e) The weaknesses in national infrastructure, including road communications;

(f) The increasing migration of people from rural communities to urban centres that are unable to support such large populations.

9. The Committee notes the HIV/AIDS pandemic and its severe impact on children and on the State party as a whole.

10. The Committee notes, in addition, the frequent occurrence of natural disasters including, notably, severe flooding which has a serious social and economic impact.

D. Principal subjects of concern, suggestions and recommendations

D1. General measures of implementation

Legislation

11. The Committee is concerned that there remain inconsistencies between domestic legislation and the Convention. The Committee is also concerned that, as indicated in the State party's report, in instances where it conflicts with international instruments domestic legislation prevails, and that inconsistencies between the two may lead to violations of the Convention.

12. **Noting the State party's significant efforts to address inconsistencies between domestic legislation and the Convention, the Committee recommends that the State party:**

(a) Continue and strengthen its efforts to amend legislation so that it conforms fully with the Convention, or to adopt legislation that so conforms;

(b) Take steps to ensure that no legislation is implemented in a manner that would infringe the State party's obligations under the Convention;

(c) Pursue its efforts to resume the process of drafting and adopting a comprehensive children's code incorporating, inter alia, the principles of the Convention;

(d) Seek assistance from UNICEF and OHCHR in this regard.

Implementation, coordination and evaluation

13. While noting the valuable contribution of the Ministry for Women and Social Affairs (MICAS) in supporting the implementation of the Convention by other sectoral ministries, the Committee remains concerned:

(a) That there is no single body with responsibility for the development of child rights policy, plans and programming;

(b) That the Convention's implementation is insufficiently coordinated between the various ministries and other relevant organs, and between the national and local levels;

(c) That there are severe disparities in the implementation of the Convention in rural and urban areas.

14. **The Committee recommends that the State party:**

(a) Establish a single mechanism for the development of child rights policy, plans and programming, and for the coordination of the State party's implementation of the Convention;

(b) Significantly strengthen MICAS with additional financial, technical and human resources;

(c) Make special efforts to improve the implementation of the Convention in rural areas, with a view to reducing disparities with how the Convention is implemented in urban centres;

(d) Proceed to implement the National Plan for the Reduction of Poverty.

Independent monitoring structure

15. The Committee is concerned at the absence of an independent mechanism for monitoring the implementation of the Convention.

16. **The Committee recommends that the State party:**

(a) Establish an independent body with responsibility for monitoring implementation of the Convention, in accordance with the Paris principles;

(b) Ensure that any monitoring mechanism include child-sensitive procedures through which children can make complaints of abuses of their rights.

Resources for children

17. The Committee is concerned that many State institutions of direct relevance to the implementation of the Convention, including in the areas of health and education, are severely under-resourced and lack material and human resources, in particular.

18. **In the light of article 4 of the Convention, the Committee recommends that the State party increase the proportion of resources spent on health, education and other priority areas, to the maximum extent possible, with a view to ensuring access to these services for all children, where needed within the framework of international cooperation.**

Data

19. The Committee joins the State party in expressing serious concern at the continuing lack of an organized system for gathering data of relevance to the implementation of the Convention.

20. **Noting the State party's efforts in this regard, the Committee urges the State party to:**

(a) Develop further its data collection mechanisms with a view to creating an effective system for collecting disaggregated data on all areas of relevance to the implementation of the Convention;

(b) Strengthen its efforts to use the data collected to improve the implementation of the Convention and to assess the progress achieved.

Dissemination of the Convention

21. While noting recent efforts, including the translation of certain articles of the Convention into some local languages, the Committee is concerned that the provisions of the Convention are insufficiently known and understood in the State party.

22. **The Committee recommends that the State party:**

(a) Continue efforts to translate the whole of the Convention into the most widely spoken national languages and that these translations be used for, inter alia, radio and theatre presentations accessible to persons who are illiterate;

(b) Strengthen and increase efforts to provide child rights training for professionals - such as teachers, health professionals including psychological care specialists, social workers, law enforcement officials, national ministerial and local government officials with responsibility for children's rights - children and the population in general on the Convention and its principles and provisions;

(c) Adopt measures to ensure that such an information campaign reaches, inter alia, rural communities and illiterate persons.

D2. Definition of the child

23. The Committee is concerned:

(a) At differences in the minimum age of marriage for girls (14) and boys (16);

(b) That the varying definitions of the child under local customary law may be inconsistent with the Convention;

(c) That domestic legislation permits the conscription of children under the age of 18 under certain circumstances.

24. **The Committee recommends that the State party:**

(a) Increase the age of marriage of girls to that of boys;

(b) Ensure that the definitions of the child under local customary law are consistent with relevant provisions of the Convention;

(c) Ensure that domestic legislation prevents the conscription of young people under the age of 18; and consider establishing 18 as the minimum age for voluntary recruitment.

D3. General principles

Non-discrimination

25. While noting that the State party's Constitution prohibits discrimination, the Committee is concerned that:

(a) Girls are particularly vulnerable to gender discrimination and that some aspects of customary law, particularly in the context of property rights, reinforce such discrimination;

(b) Aspects of domestic legislation, including the Law on the Family and Inheritance, are discriminatory against women and, in this context, may negatively affect respect for the rights of children, especially girls;

(c) Discrimination against children with disabilities is prevalent, as indicated in the State party's report, and girls with disabilities may suffer multiple forms of discrimination.

26. **The Committee recommends that the State party:**

(a) Continue its efforts to ensure the compatibility of all domestic legislation and of customary law practices with article 2 of the Convention, giving particular attention to gender discrimination;

(b) Make every effort to implement the 1999 Land Law in such a way as to address some aspects of discrimination against women;

(c) Make every effort to address all forms of discrimination against children with disabilities and ensure that such discrimination is prohibited under the law;

(d) Undertake public education campaigns directed towards ending all forms of discrimination, as provided for in the Convention;

(e) Seek assistance from, inter alia, UNICEF, particularly with regard to the education of girls, and the involvement of communities in eliminating gender inequalities.

27. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of General Comment No. 1 on article 29 (1) of the Convention (aims of education).**

Best interests of the child

28. While acknowledging that the principle of the best interests of the child has been included in the Constitution, the Committee is concerned that:

(a) The best interests principle is not included in all other legislation relevant to children;

(b) As noted in paragraph 89 of the State party's report, "There is no uniform or systematic acceptance of the importance of this concept at central, provincial or local levels" and that the principle "is sometimes absent from the definition of policies that are important for the lives of children".

29. **The Committee recommends that the State party:**

(a) Take action to ensure that the best interests principle is included in all relevant legislative instruments and is taken into consideration in all policy-making processes and programmes of relevance to children and the implementation of the Convention;

(b) Ensure that administrative, judicial, legislative and other relevant officials are given training on the meaning and implementation of the best interests principle, with a view to ensuring its consistent application at central and local government levels.

The right to life, survival and development

30. The Committee is concerned that:

(a) Ninety per cent of cases of people being run down by cars involve children, as indicated in the State party's report;

(b) Landmines continue to pose a serious threat to children's survival and development.

31. **The Committee recommends that the State party:**

(a) Develop and implement a policy for the prevention of accidents involving children, including through information campaigns targeting children, drivers, traffic police, teachers and parents;

(b) Continue efforts to clear landmines and ensure the provision of physical rehabilitation and other relevant support to victims.

Respect for the views of the child

32. While noting the State party's efforts to establish a child legislative assembly and consultations of children throughout the country, the Committee remains concerned that:

(a) The principle of respect for the views of the child is not expressly provided for in legislation;

(b) Children's views are not systematically sought and taken into consideration with regard to decisions that may affect them.

33. **The Committee recommends that the State party:**

(a) Continue and strengthen efforts to ensure the participation of children in all spheres that affect their lives, including through reinforcing the work of the children's parliament and the consideration of its recommendations;

(b) Adopt legislation providing for the principle of respect for the views of the child;

(c) Implement measures, including information campaigns and the training of professionals and children on this right, with a view to ensuring that children's views are respected, including in the family, at school and in institutions.

D4. Civil rights and freedoms

Birth registration

34. The Committee is concerned that:

(a) According to estimates, a very large proportion of children are not registered at birth and that the State party has no accurate statistics as to the scale of this phenomenon;

(b) Access to birth registration facilities among rural populations is extremely limited by distance, the time delay for registration and sometimes by cost;

(c) There is widespread misunderstanding, for numerous reasons, of the purposes of birth registration.

35. **The Committee recommends that the State party:**

(a) Take steps to increase significantly the numbers of children who are registered at birth, and make every effort to conduct late registration of older children who were not registered at birth;

(b) Ensure that registration is free, explore the use of mobile registration facilities to facilitate access for rural populations and pursue current efforts relating to extending the period within which registration must be completed;

(c) Conduct information campaigns for the general population explaining the importance and purposes of birth registration.

Access to information

36. The Committee is concerned that:

(a) Children have insufficient access to appropriate information;

(b) Children living in rural communities are particularly disadvantaged;

(c) There is an absence, as noted in the State party's report, of administrative or legislative provisions protecting children from harm with regard to the content of information.

37. **The Committee recommends that the State party:**

(a) Continue and strengthen its efforts to ensure that all children have access to appropriate information, for example through further elaboration of radio programmes for children, the provision of radios and newspapers for use by groups of children in schools and other contexts, and through itinerant theatre presentations;

(b) Develop legislation or administrative guidelines to protect children from information which may be harmful to them.

Ill-treatment and violence against children

38. The Committee is concerned:

(a) At acts of violence and abuse, including sexual abuse, committed against children in schools and alternative care institutions and by members of the public or the police force in the streets and that boys are not as well protected from sexual offences as girls;

(b) That corporal punishment is widely practised in the home, in schools and in other public institutions, such as prisons, and in alternative care contexts;

(c) That, as noted in a 1997 study, sexual abuse "is mainly perpetrated by relatives, through forced marriage, or through rape within marriage, or even as part of magical-religious practices" and that "sexual abuse accounts for most cases of abuse against minors recorded in all the country's provinces";

(d) That the State party has insufficient mechanisms for monitoring abuse and neglect of children in the family and that, although a telephone hotline exists for children to make complaints of abuse, very few children have access to a telephone or the means to pay for a call.

39. **The Committee recommends that the State party:**

(a) Take action to address acts of violence and abuse, including sexual abuse, committed against children in the family, in schools and in the streets through, inter alia, the use of training and information campaigns on the impact of violence on children, children's rights and the prosecution of perpetrators;

(b) Take action to end the practice of corporal punishment in the home, in schools and in all other contexts, including through legislative and administrative measures, as well as public education initiatives to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment;

(c) Make every effort to ensure the provision of treatment and rehabilitation to the victims of violence and abuse;

(d) Take note of the recommendations adopted by the Committee at its 2000 and 2001 days of general discussion on children and violence (CRC/C/100, para. 688, and CRC/C/111, paras. 701-745);

(e) Develop mechanisms to monitor the situation of children in the family and record and end abusive practices;

(f) Develop child sensitive mechanisms through which children can report incidents of sexual abuse, including the large majority of children who do not have access to telephones.

D5. Family environment and alternative care

40. The Committee remains concerned that:

(a) As noted by the State party in its initial report, "parents and other family members frequently do not fulfil their obligation to guide the minors under their responsibility" and that weaknesses in family structures have led to the greater vulnerability of children;

(b) Children in rural areas are sometimes used to settle financial and other disputes, with families sending their children to work for periods of time to settle debts;

(c) As noted by the State party in its initial report, "children and women are victims of domestic violence".

41. **The Committee recommends that the State party:**

(a) Take steps to ensure that parents and families understand and fulfil their obligations towards children and consider ways to provide families with additional support, including through community structures;

(b) Take action to address domestic violence against children and women in the family, including through improved monitoring, effective reporting, treatment and support of victims, prosecution of those responsible and the use of information campaigns;

(c) End the practice of using children to settle debts.

Illegal transfer

42. The Committee is concerned that:

(a) As noted in the State party's report, "mechanisms are not sufficiently strong to prevent the illegal transfer or non-return of minors", including in the context of the separation of parents and where one parent chooses to leave with a child;

(b) The issue of the responsibility of stepfathers for the children from a wife's earlier relationship is unclear.

43. **The Committee recommends that the State party:**

(a) Implement measures and develop mechanisms to prevent the illegal transfer or non-return of minors;

(b) Adopt and implement international and domestic legislation to address these concerns, including the 1980 Hague Convention No. 28 on the Civil Aspects of International Child Abduction and the 1996 Hague Convention No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.

Alternative care

44. While noting the State party's preference for family forms of alternative care and a policy of reducing institutionalization, the Committee remains concerned that:

(a) A very large number of children are in need of alternative care, in particular the many children who have become orphans because of HIV/AIDS;

(b) Current alternative care arrangements in the State party are insufficient;

(c) There is no established legislation or procedures for alternative care, or for monitoring such care;

(d) Institutional care establishments have insufficient resources;

(e) Violence is regularly committed against children in the context of alternative care;

(f) The lack of legislative or administrative frameworks ensuring the protection of children who are cared for under the "substitute family" practice (described in the State party's report) can lead to violations of children's rights.

45. **The Committee recommends that the State party:**

(a) Make every effort to improve alternative care for children, giving particular attention to HIV/AIDS orphans;

(b) Establish standards and procedures, guaranteed in legislation, for alternative care, including in the domains of health, education, safety and overall respect for the Convention, giving particular attention to protecting the inheritance rights of children in alternative care;

(c) Encourage and monitor the current practice of placement within the extended family, assuring the rights of children cared for in this context;

(d) Develop legislative or administrative rules and guidelines for ensuring the protection of children who are cared for under the "substitute family" practice described in the State party's report;

(e) Ensure the provision of sufficient resources for alternative care institutions with regard, inter alia, to staff training, food, health, clothing, water, electricity and school material requirements;

(f) Strengthen monitoring procedures, ensuring sufficient human and other resources for the regular and effective monitoring of all forms of alternative care for children.

D6. Basic health and welfare

46. The Committee is deeply concerned that:

(a) Health service coverage is still insufficient in terms of infrastructure, personnel and accessibility for the general population;

(b) Infant and under-5 mortality rates are extremely high;

(c) Maternal mortality is very high, owing in part to insufficient prenatal care and assistance at birth and to the large number of clandestine abortions and the poor conditions in which they are carried out;

(d) The incidence of low birth weight, stunted growth, malaria, diarrhoea respiratory infections and malnutrition is very high.

47. **While recognizing the significant progress achieved in the past 10 years and noting recent increases in health investment and immunization rates, the Committee urgently recommends that the State party:**

(a) Continue to improve access for all children and their families to primary health care;

(b) Give urgent attention to and design practical measures for reducing infant, under-5 and maternal mortality rates, addressing malnutrition, malaria, diarrhoea and respiratory infections, and ensuring that abortions can be conducted with all due attention to minimum standards of health safety;

(c) Make every effort to improve public knowledge of basic health-care measures, including in the areas of prevention and reproductive health, and provide for the availability of affordable contraception in order to ensure that unwanted pregnancies do not occur.

(d) Seek technical assistance from UNICEF and WHO in this regard.

Children with disabilities

48. While noting the State party's 1999 national policy on disabled persons, the Committee remains concerned that:

(a) The State party provides insufficient public assistance to children with disabilities, relying on non-governmental organizations for the bulk of assistance activities;

(b) Societal discrimination against children with disabilities remains serious, with girls with disabilities suffering the additional burden of gender discrimination, and that, in some cases, parents do not allow their disabled children to leave their home;

(c) Children with disabilities often have serious difficulty in obtaining transportation and in gaining access to public buildings, including to hospitals and schools;

(d) Children with disabilities have very limited access to formal education.

49. **The Committee recommends that the State party:**

(a) Strengthen its provision of public assistance to children with disabilities, including through the prompt implementation of the national plan on persons with disabilities;

(b) Make every effort to assure the full integration of children with disabilities into everyday life as enjoyed by other children, including family life, education, leisure and professional training;

(c) Increase the numbers of schools and other institutions for children with disabilities who have special needs;

(d) Take action to address societal discrimination against children with disabilities, noting also links with gender discrimination, including through children's rights information programmes targeting parents, teachers, social workers, communities in general and children;

(e) Take steps to provide improved transportation facilities for persons with disabilities and in need of assistance, including through the provision of wheelchairs or other specialized equipment;

(f) Implement measures to improve the access of children with disabilities to public buildings, including through legislative and administrative measures;

(g) Ensure respect for the right of children with disabilities to receive a formal education;

(h) Take note of the recommendations made by the Committee following its 1997 general day of discussion on the rights of children with disabilities.

Adolescent health

50. While noting the State party's efforts to establish the "Adolescent and Youth Programme", the Committee remains concerned at:

(a) The high incidence of adolescent pregnancy and related health concerns;

(b) The high incidence of medical problems related to abortions by adolescent mothers;

(c) The high incidence of early marriage of girls.

51. **The Committee recommends that the State party:**

(a) Strengthen its efforts to establish the "Adolescent and Youth Programme";

(b) Improve the provision of health care for adolescents, giving particular attention to reproductive health concerns, including in the context of family planning, abortion and sexually transmitted diseases, to mental health and to concerns relating to adolescent development;

(c) Make every effort to prevent the early marriage of children, particularly girls.

HIV/AIDS

52. While noting the State party's efforts in this domain, including the establishment of the National AIDS Council (NAC) in 2000 and the adoption of a comprehensive multisectoral strategic plan to combat HIV/AIDS, the Committee remains deeply concerned at:

(a) The very serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles and with particular reference to their rights to non-discrimination, health care, education, food and housing, as well as to information and freedom of expression;

(b) The extremely high, and rising, incidence of HIV/AIDS infection in the State party;

(c) Mother to child transmission of HIV/AIDS and related factors, such as the lack of access of mothers to affordable breast-milk substitute, which would help reduce the risk of transmission;

(d) The particular situation of children orphaned by HIV/AIDS, who are particularly vulnerable to, inter alia, commercial exploitation, abuse and neglect;

(e) The continuing lack of knowledge among many people of how HIV/AIDS is transmitted and the role of men in terms of inadequate prevention and repeated transmission;

(f) The very negative impact of HIV/AIDS on the numbers of professional workers, such as teachers, and ultimately on the State party's capacity to develop its human resources.

53. **The Committee recommends that the State party:**

(a) Integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, including by making use of the Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), with particular reference to children's rights to non-discrimination, health, education, food and housing, as well as their rights to information and freedom of expression;

(b) Conduct a national study on public attitudes, taboos and bias with regard to HIV/AIDS and infected persons in order to strengthen existing policies and programmes with regard to HIV/AIDS;

(c) Continue and strengthen its efforts to address the incidence of HIV/AIDS, including through the current multisectoral approach, through improving the education of the public as to how it is transmitted, can be prevented and treated, with particular focus on the training of relevant professionals, such as teachers and civil servants;

(d) Give particular attention to the role of men in the prevention of HIV/AIDS transmission and involve children in discussions on prevention strategies;

(e) Continue and strengthen its assistance to children infected or affected by HIV/AIDS, with particular attention to those who have been orphaned by HIV/AIDS, including the provision of medication for treatment;

(f) Strengthen efforts to reduce mother to child transmission of HIV/AIDS including through voluntary prenatal HIV/AIDS testing of mothers and assistance to infected mothers in obtaining breast-milk substitutes for their children;

(g) Include children in devising and implementing strategies for HIV/AIDS prevention,

(h) Seek technical and other relevant assistance from UNICEF, UNAIDS and WHO in this regard;

(i) Take note of the recommendations made by the Committee following its 1998 day of general discussion on "children living in a world with AIDS".

Social security and standard of living

54. While noting the State party's poverty eradication strategy, the Committee remains concerned that:

(a) Absolute poverty continues to affect a very high proportion (around two thirds) of the State party's population;

(b) Only a very small proportion of the population has access to electricity, sanitation and clean running water in their homes;

(c) Many children have inadequate clothing;

(d) The current social security system covers only a very small number of children and their families in need of such protection.

55. **The Committee recommends that the State party:**

(a) Continue and strengthen its efforts to address poverty, including through international cooperation;

(b) Consider and implement measures through which a significantly larger number of children and their families may benefit from minimum of social security protection;

(c) Continue its efforts to improve housing conditions, including sanitary conditions, in both rural and urban areas, and continue to implement its national water policy;

(d) Make every effort to ensure that all children have adequate clothing;

(e) Seek assistance in the form of international cooperation in this regard.

D7. Education, leisure and cultural activities

56. While noting the State party's significant efforts in this domain, including the construction or renovation of many primary schools in the 1990s, the provision of free school materials to many children, increases in primary school enrolment rates, efforts to improve the access to education of girls and to train teachers, the fall in the repetition and drop-out rates, the Committee remains concerned that:

(a) The education system requires greater financial resources;

(b) Although gradually improving, basic literacy among children remains low;

(c) Insufficient efforts have been made to implement compulsory education requirements;

(d) Enrolment in formal education, at 81.3 per cent (as quoted by the State party for 1998 in its initial report), remains low and is particularly low in certain regions of the country, and that only a very small proportion of children enrol in, and complete, secondary education;.

(e) Girls continue to have less access to education than boys above the primary school level; literacy levels among girls, particularly those over 15, are extremely low; less importance is placed by parents and communities on the education of girls than of boys; some practices, such as excessive domestic work required of girls, early marriage and early pregnancy, contribute to limiting girls' access to education; and only 20 per cent of students who enter higher (tertiary) education are girls;

(f) Education infrastructure and resources remain insufficient, including with regard to the limited quality, and insufficient number, of classrooms, overcrowding in schools, and the cost (for children and families) of books and other materials and school equipment;

(g) Many teachers have received no or insufficient formal training;

(h) The capacity of special education institutions is very limited;

(i) There is alleged corruption and sexual abuse and economic exploitation of pupils by professionals, including teachers, in the school system;

(j) There is very limited access to higher (tertiary) education.

57. **Noting the State party's own recommendations in its initial report, the Committee recommends that the State party:**

(a) Raise the education budget to the maximum of available resources, including through additional international cooperation;

(b) Strengthen the institutional capacity and infrastructure of State education, including with regard to administration, management, educational planning, the training of teachers and other staff, the construction of additional schools in isolated regions, and the provision and quality of textbooks and other school materials and equipment;

(c) Increase the rate of child enrolment in primary school and completion of compulsory education, inter alia by making every effort to ensure that compulsory education is free for all children, including with regard to textbooks, uniforms and transportation to school for disadvantaged children and families;

(d) Take steps to increase significantly the numbers of children completing secondary education;

(e) Make greater efforts to ensure that girls have the same opportunities as boys to attend formal education; take steps to ensure that the education of girls is seen, by parents, families and communities, as of equally important as that of boys and that education is seen as a right of all children; address traditional and other practices, such as excessive domestic work, which prevent girls from attending formal education; ensure that pregnancy does not lead to the banning of girls' attendance at school; consider recruiting and training more women teachers; make particular efforts to support girls seeking higher education; make every effort to implement its own policies; seek technical assistance from UNICEF in this regard;

(f) Extend the pilot project to achieve implementation of human rights and democracy components within the school curriculum nationwide;

(g) Increase the number, capacity and quality of special education institutions for children with special education needs;

(h) Improve access to higher (tertiary) education, including vocational schools through, inter alia, the strengthening of secondary school education;

(i) End practices of corruption and sexual abuse and economic exploitation of pupils in the education system;

(j) Promote coordination between the public and private sectors to ensure a sustainable supply of textbooks, basic learning materials development and training activities;

(k) Continue to support the use of non-formal education structures, such as community schools, servicing children who are unable to return to their regular schools;

(l) Give particular attention to the Committee's general comment on article 29.1 of the Convention;

(m) Seek technical assistance from UNICEF and UNESCO in this regard.

Leisure

58. The Committee is concerned that:

(a) Children living in urban centres have very few areas, such as parks, in which they can play safely;

(b) As noted in the State party report, "there is no mandatory allocation and conservation of recreational areas for children in urban development plans [and] the number of such places has declined or is virtually non-existent in large towns".

59. **The Committee recommends that the State party:**

(a) Provide areas, such as parks, urban centres, which can be used by children for leisure activities;

(b) Consider adopting legislation or administrative rules and making an appropriate budgetary allocation, in order to ensure that leisure areas for children remain a priority in urban planning decisions.

D8. Special protection measures

Refugee and internally displaced children

60. While noting the State party's significant efforts in the past to provide assistance to refugees and internally displaced persons, the Committee remains concerned that:

(a) Former refugees and displaced persons, seeking to resettle in their communities, do not always have full access to education and health services;

(b) Children who seek to cross through, or leave, Mozambique and to enter neighbouring countries are sometimes treated violently by border officials of those countries when caught.

61. **The Committee recommends that the State party:**

(a) Make additional efforts to assist former refugees and internally displaced persons to resettle in their communities, including through assuring full access to education services, and continue and strengthen family reunification efforts;

(b) Improve its collaboration, inter alia through bilateral arrangements and agreements, with relevant neighbouring countries to ensure that children who seek to cross through, or leave, Mozambique for those countries are treated in full respect of the Convention's provisions.

Children in armed conflict

62. The Committee joins the State party in expressing concern that:

(a) As noted in paragraph 548 of the State party's report, "the needs of children formerly affected by the war continue to warrant special concern";

(b) There are still a large number of adolescents and young people, in both urban and rural areas, affected by the conflict who lack appropriate education and/or employment opportunities.

63. **Acknowledging the significant efforts made in this regard, the Committee recommends that the State party:**

(a) Continue to give attention to the needs of children affected by the war and end the reconscription of children;

(b) Give particular attention to providing education and/or employment opportunities for adolescents and young people, in both urban and rural areas.

Economic exploitation

64. Noting the measures taken by the State party to assess the causes of child labour and to assess existing legislation setting the minimum age of labour at 15 and regulating the work of children aged 15 to 18 and scope of child labour, the Committee is concerned that:

(a) Many children work, including children under 15;

(b) Many parents and families require children to work as a means of overcoming the extreme poverty they face;

(c) The scale and intensity of child labour prevents many children from attending school;

(d) Child labourers are the victims of economic exploitation and work in very poor conditions, including without insurance or social security benefits, with very low wages, for long hours and in dangerous and/or abusive conditions;

(e) The use of children, particularly girls, as domestic workers is rising;

(f) There is no national plan to combat child labour.

65. **The Committee recommends that the State party:**

(a) Devise a national plan of action to address child labour concerns, and seek technical assistance from ILO/International Programme on the Elimination of Child Labour (IPEC);

(b) Make greater efforts to reduce the numbers of children working in the formal and informal sectors, with particular emphasis on younger children;

(c) Make every effort to ensure that children do not work in conditions that are harmful to them and that they receive appropriate wages and other work-related benefits, with particular reference to article 32 of the Convention;

(d) Make every effort to ensure that those children who do work, in accordance with international standards, continue to have access to formal education;

(e) Ratify ILO Conventions 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

(f) Ensure the implementation and enforcement of all domestic and international legal protections for children in this regard.

Sexual exploitation; trafficking

66. The Committee is concerned that:

(a) Child prostitution is practised and, according to recent evidence is increasing, especially in the Maputo, Beira and Nacala areas and in some rural areas;

(b) Some children are victims of trafficking for the purposes of prostitution;

(c) As noted by the State party in its initial report (para. 646), "the police's poor knowledge of the main legislation protecting children from prostitution ... their ignorance of children's rights" and the "lack of guidance on the role of police intervention in this field, as well as the absence of institutions dedicated to the recovery of the child victims" are factors contributing to the vulnerability of children to exploitation.

67. **The Committee recommends that the State party:**

(a) Take action to end trafficking, child prostitution and other forms of sexual exploitation of children, with particular attention to the Maputo, Beira and Nacala areas and in relevant rural areas;

(b) In line with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children, develop a national plan of action to address the sexual exploitation of children, including with regard to cross-border trafficking and exploitation;

(c) Continue and strengthen the 1997 campaign against the sexual exploitation of children, entitled "Break the silence and end child prostitution" and consider expanding it to include, for example, efforts to educate hotel staff and other relevant workers in the tourist industry on the prevention of child prostitution;

(d) Avoid the prosecution of child victims of prostitution or related offences;

(e) Develop mechanisms to identify the sexual exploitation of children and to work with law enforcement agencies to recover children who are being exploited;

(f) Continue and strengthen training for the police and social services on children's rights and concerns with regard to child prostitution;

(g) Implement its own recommendations (as described in paragraph 637 of the State party's report), including:

The revision and implementation of legislation on child prostitution and the sexual abuse of minors;

The development of public education programmes targeting parents, families, schools and the public in general;

The provision of legal, psychological and medical support, including rehabilitation services, for victims.

Street children

68. The Committee is concerned that:

(a) There are large numbers of children living on the street in urban areas;

(b) Street children are vulnerable to, inter alia, sexual abuse, violence, including from the police, exploitation, lack of access to education, substance abuse, sexually transmitted diseases, HIV/AIDS and malnutrition;

(c) The primary response to the situation of these children, as described by the State party in its report, is placing them in institutions.

69. **The Committee recommends that the State party:**

(a) Strengthen its efforts to ascertain the number and location of street children;

(b) Make additional efforts to provide protection to street children and to provide them with access to education and to health and other services;

(c) Strengthen efforts to assist children to leave the street, with emphasis on alternatives to placing them in institutions and special attention to family reconciliations.

Substance abuse

70. While noting the establishment of a central office for the prevention and control of drug abuse, the Committee is concerned that:

(a) Substance abuse, including inhaling glue and the consumption of narcotic drugs, is practised by children, particularly street children, in the State party, particularly in the south of the country;

(b) There is a lack of statistics on substance abuse among children;

(c) There are no specific institutions in the country to treat drug-addicted children.

71. **The Committee recommends that the State party:**

(a) Strengthen its efforts to prevent substance abuse by children, giving particular attention to street children and other vulnerable groups, including children in the south of the country;

(b) Include in school curricula education programmes and information on drug abuse and its prevention;

(c) Make additional efforts to monitor the incidence of substance abuse and to keep accurate statistics on the phenomenon;

(d) Establish mechanisms and structures through which assistance, including health and rehabilitative assistance, can be provided to children who abuse substances.

(e) Consider adopting legislation regulating the sale of harmful substances to children;

(f) Implement its own recommendations as set out in its initial report, including: developing improved methods for fighting substance abuse, additional "technical training for staff involved in preventing and combating drug abuse, reducing the vulnerability of Mozambique's borders and other entry and exit points, institutional capacity building, and strengthening the anti-drug education strategy at all levels".

Juvenile justice

72. The Committee is concerned that:

(a) Some laws, policies and practices in the State party's juvenile justice system are incompatible with the principles and provisions of the Convention, including articles 37, 40 and 39;

(b) Children aged 16 and 17 do not benefit from the protections afforded by juvenile justice standards;

(c) The list of punishable acts described by the State party in its initial report, including begging, vagrancy and promiscuity, may lead to the inappropriate targeting of children by the judicial system;

(d) While the illegal detention of minors and violence by the police have decreased, such incidents continue;

(e) In particular, the detention of minors persists "due to the poor training and ignorance of legal norms on the part of the policemen involved", as indicated in the State party's initial report, and that minors are incarcerated with adult detainees;

(f) There is a serious lack of capacity within the judicial system to provide rapid intervention or trial, as needed, for juvenile offenders;

(g) There have been incidents of mistaken detention of children below the age of age 16.

73. **The Committee recommends that the State party:**

(a) Develop laws, policies and mechanisms and provide adequate resources to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of discussion on the administration of juvenile justice;

(b) Ensure that all persons under 18 benefit from the protection of international juvenile justice provisions;

(c) Review the list of acts or behaviour for which juveniles may be prosecuted under penal law, with a view to reducing the list and establishing non-judicial responses, notably through social assistance;

(d) Ensure that all acts of violence by the police towards minors are ended, and that independent investigation and prosecution of police officers guilty of such acts are carried out in an effective manner;

(e) Ensure that no children are detained illegally and that, when detention is necessary as a measure of last resort, children are detained for the shortest time necessary and separately from adults;

(f) Strengthen the capacity of the juvenile justice system to provide a timely response, in accordance with international standards;

(g) Implement its own recommendations, as set out in its initial report, including:

> **"To strengthen legal provisions and ethical procedures in order to ensure that, in cases where detention is inevitable, treatment appropriate to the age and needs of the minors involved is guaranteed, they are allowed frequent contact with their family, they have immediate access to all necessary legal assistance, and they have the freedom and right to ensure their defence" (paragraph 565 of the State party's report);**
>
> **"To strengthen training in national and international legislation on minors for all those involved in the administration of juvenile justice, as well as the managers and staff of the units where children may eventually be subject to detention measures" (para. 566);**
>
> **"To establish 'mechanisms for the physical and psychological recovery and social reintegration of children who infringe the law'" (para. 567);**
>
> **"To create alternatives to detention, particularly with a view to providing the relevant assistance to which the child is entitled, as well as greater articulation with other social sectors such as social action, education and civil society organizations that are able to incorporate such children into their juvenile rehabilitation programmes" (para. 567);**
>
> **"To establish mechanisms of cooperation between the authorities responsible for justice administration for minors and communities, which have the potential to support the recovery and reintegration of juvenile delinquents. There is also an urgent need to fill the vacuum by creating occupational and recreational centres as well as special services that can respond to the needs of children at risk" (para. 568).**

(h) Seek technical assistance in this regard from, inter alia, UNICEF, OHCHR and the United Nations Office for Drug Control and Crime Prevention, through the Coordination Panel on Technical Assistance and Cooperation on Juvenile Justice.

Ratification of the two optional protocols

74. **Welcoming the fact that domestic legislation provides that voluntary or forced recruitment cannot take place under 18 years of age, the Committee recommends that the State party consider ratification of:**

(a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

Dissemination of reports

75. **Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that consideration be given to publishing the report, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring at all levels of administration of the State party and among the general public, including concerned non-governmental organizations.**